

## **Title 63L. Lands**

### **Chapter 1 Federal Jurisdiction**

#### **Part 1 General Provisions**

##### **63L-1-101 Title.**

- (1) This title is known as "Lands."
- (2) This chapter is known as "Federal Jurisdiction."

Enacted by Chapter 382, 2008 General Session

#### **Part 2 Federal and State Jurisdiction**

##### **63L-1-201 Jurisdiction over land acquired by United States -- Reservations by state -- Duration of jurisdiction.**

Jurisdiction is hereby ceded to the United States in, to and over any and all lands or territory within this state which have heretofore been acquired by the United States by purchase, condemnation or otherwise for military or naval purposes and for forts, magazines, arsenals, dockyards and other needful buildings of every kind whenever authorized by Act of Congress, and in, to and over any and all lands or territory within this state now held by the United States under lease, use permit, or reserved from the public domain for any of the purposes aforesaid; this state, however, reserving the right to execute its process, both criminal and civil, within such territory. The jurisdiction so ceded shall continue so long as the United States shall own, hold or reserve land for any of the aforesaid purposes, or in connection therewith, and no longer.

Renumbered and Amended by Chapter 382, 2008 General Session

##### **63L-1-202 Governor to execute conveyances.**

The governor is hereby authorized and empowered to execute all proper conveyances in the cession herein granted, upon request of the United States or the proper officers thereof, whenever any land shall have been acquired, leased, used, or reserved from the public domain for such purposes.

Renumbered and Amended by Chapter 382, 2008 General Session

##### **63L-1-203 Jurisdiction over certain military reservations ceded -- Reservation.**

Jurisdiction is ceded to the United States in and over all lands comprised within the limits of the military reservations of Fort Douglas and Fort Duchesne in this state, to continue so long as the United States shall hold and own the same for military purposes or in connection therewith, and no longer; reserving, however, to this state the right to serve all civil process and such criminal process as may lawfully issue under the authority of this state against persons charged with crimes against the laws of this state committed within or without said reservations.

Renumbered and Amended by Chapter 382, 2008 General Session

**63L-1-204 Concurrent jurisdiction with United States -- Taxation of businesses on federal lands.**

- (1) The state of Utah retains concurrent jurisdiction, both civil and criminal, with the United States over all lands affected by this act.
- (2) The state and all of its political subdivisions also reserve the right to impose taxes on individuals, partnerships, corporations, associations, and all other business entities doing business on the lands affected by this chapter in respect to such business or on any property of these entities situated on these lands.

Renumbered and Amended by Chapter 382, 2008 General Session

**63L-1-205 Concurrent jurisdiction over certain minor violations at Dugway Proving Ground.**

The state of Utah hereby cedes to the United States, retaining also the same to itself, concurrent jurisdiction over class B and C misdemeanors and traffic violations no more serious than a class B misdemeanor within the following described boundaries in the Counties of Tooele and Juab, State of Utah, in the Salt Lake Meridian:

BEGINNING at the NE corner of Section 1, T8S, R9W;

1. Thence, South along the Range line between R8W and R9W, 9 miles and 2.57 chains to the SE corner of Section 13, T9S, R9W;
2. Thence, West, along the South line of Sections 13, 14, 15 and 16, T9S, R9W, 4 miles to the NE corner of Section 20, T9S, R9W;
3. Thence, South, along the East line of said Section 20 to the SE corner of said Section 20;
4. Thence, Southwesterly in a straight line to the Southwest corner of Section 31, T10S, R10W;
5. Thence, continuing Southwesterly along said line to a point in Section 1, T11S, R11W, said point bears 0.7 mile along said Southwesterly line from the SW corner of said Section 31;
6. Thence, Northwesterly, in a straight line from said point, to the SW corner of Section 34, T9S, R11W;
7. Thence, North along the West line of said Section 34 to the NW corner of said Section 34;
8. Thence, West along the South line of Sections 28 and 29, T9S, R11W, to the SE corner of Section 30, T9S, R11W;
9. Thence, Northwest in a straight line to the NE corner of Section 23, T9S, R12W;
10. Thence, West along the North line of Sections 23, 22, and projected Sections 21, 20 and 19 to the Range line between R12W and R13W;
11. Thence, South along said Range line to the South line of T10S;
12. Thence, West along last said Township line to the Range line common to R16W and R17W;
13. Thence, North along last said Range line to the West quarter corner of Section 6, T10S, R16W;
14. Thence, East along the East-West centerline of said Section 6 to the North-South centerline of said Section 6;
15. Thence, North along said North-South centerline to the North quarter corner of said Section 6;
16. Thence, East along the North line of said Section 6 to the NE corner of said Section 6;

17. Thence, North along the East line of Section 31, T9S, R16W, to the NE corner of the SE 1/4 SE 1/4 of said Section 31;
18. Thence, West along the North line of the S 1/2 S 1/2 of last said Section 31, T9S, R16W, to the West line of said Section 31;
19. Thence, North along said West line to the East-West line of last said Section 31;
20. Thence, East along said East-West line to the SE corner of the SW 1/4 NW 1/4 of last said Section 31;
21. Thence, North along the East line of said SW 1/4 NW 1/4 to the NE corner of SW 1/4 NW 1/4 of last said Section 31;
22. Thence, West along the North line of said SW 1/4 NW 1/4 to the NW corner of said SW 1/4 NW 1/4 of last said Section 31, said corner also being on the Range line common to R16W and R17W;
23. Thence, North along last said Range line to the NW corner of Section 6, T6S, R16W;
24. Thence, East along the North line of T6S to the NE corner of Section 1, T6S, R13W;
25. Thence, North along the West line of R13W to the NW corner of Section 6, T6S, R12W;
26. Thence, East along the North line of T6S to the NE corner of Section 1, T6S, R12W;
27. Thence, North along the Range line between R11W and R12W, 5 miles and 37.68 chains to the closing corner of T5S, R11W and T5S, R12W, said corner bears East 10.97 chains from the standard corner of T4S, R11W and T4S, R12W;
28. Thence, East along the Township line common to T4S and T5S, 6 miles and 74.49 chains to the divide crest of the Cedar Mountain Range;
29. Thence, Southeasterly, along or near the crest of the Cedar Mountain Range through T5S, R10W, T6S, R10W, and T6S, R9W, the following courses:
  30. Thence, S 1 29' W, 69.63 chains;
  31. Thence, S 4 18' E, 94.83 chains;
  32. Thence, S 5 21' E, 87.44 chains;
  33. Thence, S 63 27' E, 26.60 chains;
  34. Thence, S 17 15' E, 70.51 chains;
  35. Thence, S 55 37' E, 132.09 chains;
  36. Thence, S 56 22' E, 108.71 chains;
  37. Thence, S 24 31' E, 20.92 chains; to a point which bears West, 125.29 chains from the SW corner of T5S, R9W;
  38. Thence, S 28 06' E, 70.05 chains;
  39. Thence, S 69 15' E, 26.73 chains;
  40. Thence, S 41 32' E, 55.35 chains;
  41. Thence, N 89 19' E, 30.79 chains;
  42. Thence, S 25 40' E, 36.19 chains;
  43. Thence, N 66 24' E, 56.38 chains;
  44. Thence, S 63 17' E, 76.05 chains;
  45. Thence, S 38 48' E, 29.84 chains;
  46. Thence, S 82 20' E, 71.44 chains;
  47. Thence, S 35 07' E, 32.82 chains;
  48. Thence, S 36 24' W, 18.77 chains;
  49. Thence, S 01 41' W, 61.73 chains;
  50. Thence, N 65 19' E, 25.68 chains;
  51. Thence, S 52 59' E, 41.19 chains;
  52. Thence, N 85 57' E, 44.22 chains;
  53. Thence, S 58 52' E, 69.09 chains;

54. Thence, S 82 14' E, 46.21 chains;
55. Thence, S 26 06' E, 74.82 chains;
56. Thence, S 88 42' E, 14.59 chains to a point on the Range line common to R8W and R9W, said point bears South 12.78 chains from the NW corner of Section 31, T6S, R8W;
57. Thence, leaving the Cedar Mountain Crest, South along said Range line common to R8W and R9W, 68.85 chains to the SW corner of T6S, R8W;
58. Thence, East along the Township line between Ts. 6 and 7 S., 4 miles, 9.5 chains, to the closing corner of Sections 2 and 3, T7S, R8W;
59. Thence, South, along Section line, 3 miles, 73.37 chains, to the corner of Sections 22, 23, 26 and 27, T7S, R8W;
60. Thence, West, along Section lines, 4 miles 0.45 chains, to the closing corner of Sections 19 and 30, on the West boundary of T7S, R8W;
61. Thence, South, along the Range lines between Rs. 8 and 9 W, 1 mile 37.14 chains to the Northeast corner of T8S, R9W, and the POINT OF BEGINNING.

TOGETHER with all that land in Section 36, T10S, R11W lying Southwesterly of the line described in Course No. 6 of this description.

EXCEPTING THEREFROM: NW 1/4 of Section 9, T8S, R13W; and the NE 1/4 SW 1/4 of Section 30, T10S, R16W.

The operative provisions of this section also apply to the property within the following described boundaries:

Township 6 South, Range 4 West, Salt Lake Meridian, Section 4, S 1/2; Section 5, Lots 3 and 4, S 1/2 NW 1/4 and S 1/2; Sections 6 to 9, inclusive; Section 15, W 1/2; Sections 16 to 21, inclusive; Section 22, W 1/2; Section 27, W 1/2; Sections 28 to 30.

Township 6 South, Range 5 West, Salt Lake Meridian, Sections 1 to 3, inclusive; Sections 11 to 14, inclusive; Sections 23 to 26, inclusive; those portions of Sections 4, 9, 10, 15, 22, and 27 lying East of the Union Pacific Railroad Right-of-Way, and situated within the boundary of the Deseret Chemical Depot (formerly St. John Ordnance Depot) County of Tooele, State of Utah, which lands were withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws and reserved for use by the Department of Army (formerly War Department) as an Ordnance Storage Depot by the Public Land Order No. 15 dated July 21, 1942, and Public Land Order No. 66 dated November 30, 1942; and which are within the Rush Valley Unit of the Bonneville Grazing District No. 2, Utah.

Renumbered and Amended by Chapter 382, 2008 General Session

### **63L-1-206 Concurrent jurisdiction.**

The state of Utah hereby accepts from the United States concurrent jurisdiction, both civil and criminal, with the United States over the following described boundaries in the county of Weber, state of Utah, in the Salt Lake Meridian:

- (1) As described more particularly in Subsection (2), a part of Section 7 in Township 6 North, Range 1 West and a part of Section 12 in Township 6 North, Range 2 West.
- (2) Beginning at a point South 0 degrees 46 minutes 27 seconds West 1540.37 feet and North 89 degrees 03 minutes 15 seconds West 258.80 feet and North 3 degrees 57 minutes 30 seconds West 10,877.85 feet and North 86 degrees 11 minutes 50 seconds East 80.74 feet and North 3 degrees 52 minutes 20 seconds West 655.22 feet from the Northeast corner of the Northwest Quarter of Section 19 in said Township 6 North, Range 1 West; said point also being North 89 degrees 03 minutes 15 seconds West 253.25 feet and North 3 degrees 57 minutes 30 seconds West 10,945.10 feet and North 86 degrees 11 minutes 50 seconds East 80.74 feet and North 3

degrees 52 minutes 20 seconds West 655.22 feet from the Ogden City survey monument at the intersection of the monument line of 12th Street and the East line of the Northwest Quarter of said Section 19; said point also being North 86 degrees 11 minutes 50 seconds East and North 3 degrees 52 minutes 20 seconds West 655.22 from the Southwest corner of the Ogden City property (parcel 11-023-0029):

- (a) thence South 86 degrees 03 minutes 22 seconds West 2398.03 feet more or less along an existing fenceline separating properties used by Defense Depot Ogden and the U. S. Army Reserve to a point on the East line of 1200 West Street;
- (b) thence North 1 degree 16 minutes 15 seconds East 66.27 feet along said East line of 1200 West Street;
- (c) thence North 86 degrees 03 minutes 22 seconds East 2392.09 feet more or less to a point on the West line of the Weber-Ogden Fairgrounds Complex; and
- (d) thence South 3 degrees 52 minutes 20 seconds East 66.00 feet along said West line of the Weber-Ogden Fairgrounds Complex to the point of beginning.

Renumbered and Amended by Chapter 382, 2008 General Session

**63L-1-207 Concurrent jurisdiction -- Utah Test and Training Range.**

The state of Utah cedes to the United States, retaining also the same to itself, concurrent jurisdiction within the following described boundaries in the county of Tooele, state of Utah, in the Salt Lake Base and Meridian, to continue so long as the United States owns, holds, or reserves the land for military purposes or in connection with military purposes, and no longer:

- (1) Township 2 North, Range 15 West, all of:
  - (a) Section 16;
  - (b) Section 32;
  - (c) Section 36; and
  - (d) Section 2, Lots 1-4, S 1/2 N 1/2, S 1/2;
- (2) Township 2 South, Range 14 West, all of:
  - (a) Section 32; and
  - (b) Section 36;
- (3) Township 2 South, Range 15 West, all of:
  - (a) Section 36; and
  - (b) Section 32, W 1/2;
- (4) Township 3 South, Range 15 West, all of:
  - (a) Section 16;
  - (b) Section 32;
  - (c) Section 36; and
  - (d) Section 2, Lots 1-4, S 1/2 N 1/2, S 1/2;
- (5) Township 2 South, Range 16 West, all of:
  - (a) Section 32; and
  - (b) Section 36;
- (6) Township 2 South, Range 17 West, all of:
  - (a) Section 32; and
  - (b) Section 36;
- (7) Township 2 South, Range 18 West, all of Section 36;
- (8) Township 3 South, Range 18 West, all of:
  - (a) Section 16;
  - (b) Section 32;

- (c) Section 36; and
- (d) Section 2, Lots 1-4, S 1/2 N 1/2, S 1/2;
- (9) Township 3 South, Range 19 West, all of:
  - (a) Section 16;
  - (b) Section 32;
  - (c) Section 36; and
  - (d) Section 2, Lots 1-4, S 1/2 N 1/2, S 1/2; and
- (10) Township 4 South, Range 19 West, all of:
  - (a) Section 16;
  - (b) Section 32;
  - (c) Section 36; and
  - (d) Section 2, Lots 1-4, S 1/2 N 1/2, S 1/2.

Renumbered and Amended by Chapter 382, 2008 General Session

## **Chapter 2**

### **Transfer of State Lands to United States Government Act**

#### **Part 1**

#### **General Provisions**

#### **63L-2-101 Title.**

This chapter is known as the "Transfer of State Lands to United States Government Act."

Enacted by Chapter 382, 2008 General Session

#### **Part 2**

#### **Procedures for Acquisition of Property**

#### **63L-2-201 Federal government acquisition of real property in the state.**

- (1) As used in this chapter:
  - (a) "Agency" is defined in Section 63G-10-102.
  - (b) "Agency" includes:
    - (i) the School and Institutional Trust Lands Administration created in Section 53C-1-201; and
    - (ii) the School and Institutional Trust Lands Board of Trustees created in Section 53C-1-202.
- (2)
  - (a) Before legally binding the state by executing an agreement to sell or transfer to the United States government 10,000 or more acres of any state lands or school and institutional trust lands, an agency shall submit the agreement or proposal:
    - (i) to the Legislature for its approval or rejection; or
    - (ii) in the interim, to the Legislative Management Committee for review of the agreement or proposal.
  - (b) The Legislative Management Committee may:
    - (i) recommend that the agency execute the agreement or proposal;

- (ii) recommend that the agency reject the agreement or proposal; or
- (iii) recommend to the governor that the governor call a special session of the Legislature to review and approve or reject the agreement or proposal.
- (3) Before legally binding the state by executing an agreement to sell or transfer to the United States government less than 10,000 acres of any state lands or school and institutional trust lands, an agency shall notify the Natural Resources, Agriculture, and Environment Interim Committee.
- (4) Notwithstanding Subsections (2) and (3), the Legislature approves all conveyances of school trust lands to the United States government made for the purpose of completing the Red Cliffs National Conservation Area in Washington County.

Amended by Chapter 157, 2014 General Session

Amended by Chapter 328, 2014 General Session

## **Chapter 3**

### **Private Property Protection Act**

#### **Part 1**

#### **General Provisions**

#### **63L-3-101 Title.**

This chapter is known as the "Private Property Protection Act."

Renumbered and Amended by Chapter 382, 2008 General Session

#### **63L-3-102 Definitions.**

As used in this chapter:

- (1) "Constitutional taking" or "taking" means a governmental action that results in a taking of private property so that compensation to the owner of the property is required by:
  - (a) the Fifth or Fourteenth Amendment of the Constitution of the United States; or
  - (b) Utah Constitution Article I, Section 22.
- (2)
  - (a) "Governmental action" or "action" means:
    - (i) proposed rules and emergency rules by a state agency that if adopted and enforced may limit the use of private property unless:
      - (A) its provisions are in accordance with applicable state or federal statutes; and
      - (B) the agency has adopted and implemented the guidelines required by Section 63L-3-201;
    - (ii) proposed or implemented licensing or permitting conditions, requirements, or limitations to the use of private property unless:
      - (A) its provisions are in accordance with applicable state or federal statutes, rules, or regulations; and
      - (B) the agency has adopted and implemented the guidelines required by Section 63L-3-201;
    - (iii) required dedications or exactions from owners of private property; or
    - (iv) statutes and rules.
  - (b) "Governmental action" or "action" does not mean:

- (i) activity in which the power of eminent domain is exercised formally;
  - (ii) repealing rules discontinuing governmental programs or amending rules in a manner that lessens interference with the use of private property;
  - (iii) law enforcement activity involving seizure or forfeiture of private property for violations of law or as evidence in criminal proceedings;
  - (iv) school and institutional trust land management activities and disposal of land and interests in land conducted pursuant to Title 53C, School and Institutional Trust Lands Management Act;
  - (v) orders and enforcement actions that are issued by a state agency in accordance with Title 63G, Chapter 4, Administrative Procedures Act, and applicable federal or state statutes; or
  - (vi) orders and enforcement actions that are issued by a court of law in accordance with applicable federal or state statutes.
- (3) "Private property" means any school or institutional trust lands and any real or personal property in this state that is protected by:
- (a) the Fifth or Fourteenth Amendment of the Constitution of the United States; or
  - (b) Utah Constitution Article I, Section 22.
- (4)
- (a) "State agency" means an officer or administrative unit of the executive branch of state government that is authorized by law to adopt rules.
  - (b) "State agency" does not include the legislative or judicial branches of state government.
- (5) "Takings law" means the provisions of the federal and state constitutions, the case law interpreting those provisions, and any relevant statutory provisions that require a governmental unit to compensate a private property owner for a constitutional taking.

Renumbered and Amended by Chapter 382, 2008 General Session

## **Part 2**

### **Requirements for State Agencies**

#### **63L-3-201 State agencies to adopt guidelines.**

- (1) Each state agency shall adopt guidelines to assist them in the identification of actions that have constitutional taking implications.
- (2) In creating the guidelines, the state agency shall take into consideration recent court rulings on the taking of private property.
- (3) Each state agency shall complete the guidelines on or before January 1, 1999, and review and update the guidelines annually to maintain consistency with court rulings.

Renumbered and Amended by Chapter 382, 2008 General Session

#### **63L-3-202 Agency actions.**

- (1) Using the guidelines prepared under Section 63L-3-201, each state agency shall:
  - (a) determine whether an action has constitutional taking implications; and
  - (b) prepare an assessment of constitutional taking implications that includes an analysis of the following:
    - (i) the likelihood that the action may result in a constitutional taking, including a description of how the taking affects the use or value of private property;



- (ii) alternatives to the proposed action that may:
    - (A) fulfill the government's legal obligations of the state agency;
    - (B) reduce the impact on the private property owner; and
    - (C) reduce the risk of a constitutional taking; and
  - (iii) an estimate of financial cost to the state for compensation and the source of payment within the agency's budget if a constitutional taking is determined.
- (2) In addition to the guidelines prepared under Section 63L-3-201, each state agency shall adhere, to the extent permitted by law, to the following criteria if implementing or enforcing actions that have constitutional taking implications:
- (a) If an agency requires a person to obtain a permit for a specific use of private property, any conditions imposed on issuing the permit shall directly relate to the purpose for which the permit is issued and shall substantially advance that purpose.
  - (b) Any restriction imposed on the use of private property shall be proportionate to the extent the use contributes to the overall problem that the restriction is to redress.
  - (c) If an action involves a permitting process or any other decision-making process that will interfere with, or otherwise prohibit, the use of private property pending the completion of the process, the duration of the process shall be kept to the minimum necessary.
  - (d) Before taking an action restricting private property use for the protection of public health or safety, the state agency, in internal deliberative documents, shall:
    - (i) clearly identify, with as much specificity as possible, the public health or safety risk created by the private property use;
    - (ii) establish that the action substantially advances the purpose of protecting public health and safety against the specifically identified risk;
    - (iii) establish, to the extent possible, that the restrictions imposed on the private property are proportionate to the extent the use contributes to the overall risk; and
    - (iv) estimate, to the extent possible, the potential cost to the government if a court determines that the action constitutes a constitutional taking.
- (3) If there is an immediate threat to health and safety that constitutes an emergency and requires an immediate response, the analysis required by Subsection (2)(b) may be made when the response is completed.
- (4) Before the state agency implements an action that has constitutional taking implications, the state agency shall submit a copy of the assessment of constitutional taking implications to the governor and the Legislative Management Committee.

Amended by Chapter 356, 2009 General Session

## **Chapter 4**

### **Constitutional Takings Issues Act**

#### **Part 1**

#### **General Provisions**

#### **63L-4-101 Title.**

This chapter is known as the "Constitutional Takings Issues Act."

Enacted by Chapter 382, 2008 General Session

**63L-4-102 Definitions.**

As used in this chapter:

- (1) "Constitutional taking issues" means actions involving the physical taking or exaction of private real property by a political subdivision that might require compensation to a private real property owner because of:
  - (a) the Fifth or Fourteenth Amendment of the Constitution of the United States;
  - (b) Article I, Section 22 of the Utah Constitution; or
  - (c) any recent court rulings governing the physical taking or exaction of private real property by a government entity.
- (2) "Political subdivision" means a county, municipality, local district, special service district, school district, or other local government entity.

Renumbered and Amended by Chapter 382, 2008 General Session

**63L-4-103 Applicability of chapter.**

This chapter does not apply when a political subdivision formally exercises its power of eminent domain.

Renumbered and Amended by Chapter 382, 2008 General Session

## **Part 2 Requirements for Political Subdivisions**

**63L-4-201 Political subdivisions to adopt guidelines.**

- (1) Each political subdivision shall enact an ordinance establishing guidelines to assist them in identifying actions involving the physical taking or exaction of private real property that may have constitutional taking issues.
- (2) Each political subdivision shall consider the guidelines required by this section when taking any action that might result in the physical taking or exaction of private real property.
- (3)
  - (a) The guidelines adopted under the authority of this section are advisory.
  - (b) A court may not impose liability upon a political subdivision for failure to comply with the guidelines required by this section.
  - (c) The guidelines neither expand nor limit the scope of any political subdivision's liability for a constitutional taking.

Renumbered and Amended by Chapter 382, 2008 General Session

## **Part 3 Appeals**

**63L-4-301 Appeals of decisions.**

- (1) Each political subdivision shall enact an ordinance that:

- (a) establishes a procedure for review of actions that may have constitutional taking issues; and
  - (b) meets the requirements of this section.
- (2)
- (a)
    - (i) Any owner of private property whose interest in the property is subject to a physical taking or exaction by a political subdivision may appeal the political subdivision's decision within 30 days after the decision is made.
    - (ii) The legislative body of the political subdivision, or an individual or body designated by them, shall hear and approve or reject the appeal within 14 days after it is submitted.
    - (iii) If the legislative body of the political subdivision fails to hear and decide the appeal within 14 days, the decision is presumed to be approved.
  - (b) The private property owner need not file the appeal authorized by this section before bringing an action in any court to adjudicate claims that are eligible for appeal.
  - (c) A property owner's failure to appeal the action of a political subdivision does not constitute, and may not be interpreted as constituting, a failure to exhaust available administrative remedies or as a bar to bringing legal action.

Renumbered and Amended by Chapter 382, 2008 General Session

## **Chapter 5**

### **Utah Religious Land Use Act**

#### **Part 1**

#### **General Provisions**

#### **63L-5-101 Title.**

This chapter is known as the "Utah Religious Land Use Act."

Renumbered and Amended by Chapter 382, 2008 General Session

#### **63L-5-102 Definitions.**

As used in this chapter:

- (1) "Free exercise of religion" means an act or refusal to act that is substantially motivated by sincere religious belief, whether or not the act or refusal is compulsory or central to a larger system of religious belief, and includes the use, building, or conversion of real property for the purpose of religious exercise.
- (2) "Government entity" means the state, a county, a municipality, a higher education institution, a local district, a special service district, any other political subdivision of the state, or any administrative subunit of any of them.
- (3) "Land use regulation" means any state or local law or ordinance, whether statutory or otherwise, that limits or restricts a person's use or development of land or a structure affixed to land.
- (4) "Person" means any individual, partnership, corporation, or other legal entity that owns an interest in real property.

Renumbered and Amended by Chapter 382, 2008 General Session

## **Part 2**

### **Legal Standard**

#### **63L-5-201 Protection of land use as religious exercise.**

- (1) Except as provided in Subsection (2), a government entity may not impose or implement a land use regulation in a manner that imposes a substantial burden on a person's free exercise of religion.
- (2) A government entity may impose or implement a land use regulation in a manner that imposes a substantial burden on a person's free exercise of religion if the government can establish that the imposition of the burden on that person:
  - (a) is in furtherance of a compelling governmental interest; and
  - (b) is the least restrictive means of furthering that compelling governmental interest.
- (3) A government entity that meets the requirements of Subsection (2) need not separately prove that the remedy and penalty provisions of the land use regulation are the least restrictive means to ensure compliance or to punish the failure to comply.
- (4) This act shall not impair the ability of local government to impose costs and fees reasonably necessary to mitigate the off-site impacts of development.

Renumbered and Amended by Chapter 382, 2008 General Session

## **Part 3**

### **Remedies and Procedures**

#### **63L-5-301 Remedies.**

- (1) A person whose free exercise of religion has been substantially burdened by a government entity in violation of Section 63L-5-201 may bring an action in the district court of the county where the largest portion of the property subject to the land use regulation is located.
- (2) Any person who asserts a claim or defense against a government entity under this chapter may request:
  - (a) declaratory relief;
  - (b) temporary or permanent injunctive relief to prevent the threatened or continued violation; or
  - (c) a combination of declaratory and injunctive relief.
- (3) A person may not bring an action under this chapter against an individual, other than an action against an individual acting in the individual's official capacity as an officer of a government entity.

Renumbered and Amended by Chapter 382, 2008 General Session

#### **63L-5-302 Notice of claim -- Government's right to accommodate.**

- (1) A person may not bring an action under Section 63L-5-301 unless, 60 days before bringing the action, the person sends written notice of the intent to bring an action.
- (2) The notice shall be addressed to the government entity imposing the land use regulation, and shall be prepared and delivered according to the requirements of Subsection 63G-7-401(3).

- (3) Mailing of the notice required by Subsection (1) tolls the limitation period for bringing an action under this chapter for a period of 75 days, starting on the day the notice was mailed.
- (4) Notwithstanding Subsection (1), a person may bring an action under Section 63L-5-301 before the expiration of the 60-day notice period if:
  - (a) the imposition of a substantial burden on the person's free exercise of religion by the land use regulation is imminent; and
  - (b) the person was not informed of and did not otherwise have knowledge of the land use regulation in time to reasonably provide 60 days notice.
- (5)
  - (a) A government entity provided with the notice required by Subsection (2) may remedy the substantial burden on the person's free exercise of religion:
    - (i) before the expiration of the 60-day notice period; or
    - (ii) in the case of an action properly brought according to Subsection (4), before the adjudication of a court hearing on the action.
  - (b) Nothing in this section prevents a government entity from providing a remedy after these time periods.
- (6) The court may not award compensatory damages, attorney's fees, costs, or other expenses to a person if the substantial burden has been cured by a remedy implemented by the government entity according to Subsection (5)(a).

Renumbered and Amended by Chapter 382, 2008 General Session

## **Part 4**

### **Application**

#### **63L-5-401 Burden on exercise of religion as defense.**

A person whose free exercise of religion has been substantially burdened in violation of this chapter may assert that violation as a defense in a judicial or administrative proceeding without regard to whether the proceeding is brought in the name of the state or by any other person.

Renumbered and Amended by Chapter 382, 2008 General Session

#### **63L-5-402 Establishment clause unaffected.**

- (1) This chapter does not authorize government to burden a person's free exercise of religion.
- (2) The protection of religious freedom afforded by this chapter is in addition to the protections provided under federal law and the constitutions of Utah and the United States.
- (3) Nothing in this chapter may be construed to affect, interpret, or in any way address that portion of the First Amendment to the United States Constitution prohibiting laws respecting an establishment of religion.

Renumbered and Amended by Chapter 382, 2008 General Session

#### **63L-5-403 Application to certain cases.**

This chapter does not affect and is not intended to affect the authority of government entities to adopt or apply land use regulations that do not involve the free exercise of religion.

Renumbered and Amended by Chapter 382, 2008 General Session

## **Chapter 6**

### **Transfer of Public Lands Act**

#### **63L-6-101 Title.**

This chapter is known as the "Transfer of Public Lands Act."

Enacted by Chapter 353, 2012 General Session

#### **63L-6-102 Definitions.**

As used in this chapter:

- (1) "Governmental entity" is as defined in Section 59-2-511.
- (2) "Net proceeds" means the proceeds from the sale of public lands, after subtracting expenses incident to the sale of the public lands.
- (3) "Public lands" means lands within the exterior boundaries of this state except:
  - (a) lands to which title is held by a person who is not a governmental entity;
  - (b) lands owned or held in trust by this state, a political subdivision of this state, or an independent entity;
  - (c) lands reserved for use by the state system of public education as described in Utah Constitution Article X, Section 2, or a state institution of higher education listed in Section 53B-1-102;
  - (d) school and institutional trust lands as defined in Section 53C-1-103;
  - (e) lands within the exterior boundaries as of January 1, 2012, of the following that are designated as national parks:
    - (i) Arches National Park;
    - (ii) Bryce Canyon National Park;
    - (iii) Canyonlands National Park;
    - (iv) Capitol Reef National Park; and
    - (v) Zion National Park;
  - (f) lands within the exterior boundaries as of January 1, 2012, of the following national monuments managed by the National Park Service as of January 1, 2012:
    - (i) Cedar Breaks National Monument;
    - (ii) Dinosaur National Monument;
    - (iii) Hovenweep National Monument;
    - (iv) Natural Bridges National Monument;
    - (v) Rainbow Bridge National Monument; and
    - (vi) Timpanogos Cave National Monument;
  - (g) lands within the exterior boundaries as of January 1, 2012, of the Golden Spike National Historic Site;
  - (h) lands within the exterior boundaries as of January 1, 2012, of the following wilderness areas located in the state that, as of January 1, 2012, are designated as part of the National Wilderness Preservation System under the Wilderness Act of 1964, 16 U.S.C. 1131 et seq.:
    - (i) Ashdown Gorge Wilderness;
    - (ii) Beartrap Canyon Wilderness;

- (iii) Beaver Dam Mountains Wilderness;
- (iv) Black Ridge Canyons Wilderness;
- (v) Blackridge Wilderness;
- (vi) Box-Death Hollow Wilderness;
- (vii) Canaan Mountain Wilderness;
- (viii) Cedar Mountain Wilderness;
- (ix) Cottonwood Canyon Wilderness;
- (x) Cottonwood Forest Wilderness;
- (xi) Cougar Canyon Wilderness;
- (xii) Dark Canyon Wilderness;
- (xiii) Deep Creek Wilderness;
- (xiv) Deep Creek North Wilderness;
- (xv) Deseret Peak Wilderness;
- (xvi) Doc's Pass Wilderness;
- (xvii) Goose Creek Wilderness;
- (xviii) High Uintas Wilderness;
- (xix) LaVerkin Creek Wilderness;
- (xx) Lone Peak Wilderness;
- (xxi) Mount Naomi Wilderness;
- (xxii) Mount Nebo Wilderness;
- (xxiii) Mount Olympus Wilderness;
- (xxiv) Mount Timpanogos Wilderness;
- (xxv) Paria Canyon-Vermilion Cliffs Wilderness;
- (xxvi) Pine Valley Mountain Wilderness;
- (xxvii) Red Butte Wilderness;
- (xxviii) Red Mountain Wilderness;
- (xxix) Slaughter Creek Wilderness;
- (xxx) Taylor Creek Wilderness;
- (xxxi) Twin Peaks Wilderness;
- (xxxii) Wellsville Mountain Wilderness; and
- (xxxiii) Zion Wilderness;
- (i) lands with respect to which the jurisdiction is ceded to the United States as provided in Section 63L-1-201 or 63L-1-203;
- (j) real property or tangible personal property owned by the United States if the property is within the boundaries of a municipality; or
- (k) lands, including water rights, belonging to an Indian or Indian tribe, band, or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States.

Enacted by Chapter 353, 2012 General Session

**63L-6-103 Transfer of public lands.**

- (1) On or before December 31, 2014, the United States shall:
  - (a) extinguish title to public lands; and
  - (b) transfer title to public lands to the state.
- (2) If the state transfers title to any public lands with respect to which the state receives title under Subsection (1)(b), the state shall:
  - (a) retain 5% of the net proceeds the state receives from the transfer of title; and

- (b) pay 95% of the net proceeds the state receives from the transfer of title to the United States.
- (3) In accordance with Utah Constitution Article X, Section 5, the amounts the state retains in accordance with Subsection (2)(a) shall be deposited into the permanent State School Fund.

Enacted by Chapter 353, 2012 General Session

**63L-6-104 Severability clause.**

If any provision of this chapter or the application of any provision to any person or circumstance is held invalid by a final decision of a court of competent jurisdiction, the remainder of this chapter shall be given effect without the invalid provision or application. The provisions of this chapter are severable.

Enacted by Chapter 353, 2012 General Session

**63L-6-105 Interstate compact -- Transfer of public land.**

The Interstate Compact on the Transfer of Public Lands is hereby enacted and entered into with all other jurisdictions that can legally join in the compact, which is, in form, substantially as follows:

Interstate Compact on the Transfer of Public Lands

Whereas, the separation of powers, both between the branches of the federal government and between federal and state authority, is essential to the preservation of individual liberty;

Whereas, the Constitution of the United States creates a federal government of limited and enumerated powers and reserves to the states or to the people those powers not expressly granted to the federal government to protect the liberty of individual property incidental to the sovereignty and the health, safety, and welfare of its citizens;

Whereas, each state adopting and agreeing to be bound by this compact finds that the coordinated, regular, institutional exercise of its sovereign power under its respective constitution and the Constitution of the United States is an essential component of the governing partnership between the states and the federal government;

NOW, THEREFORE, the states hereto resolve and, by the adoption into law under their respective state constitutions of this Interstate Compact on the Transfer of Public Lands, agree, as follows:

Sec. 1. Definitions.

As used in this chapter, unless the context clearly indicates otherwise:

- (1) "Associate member state" means any state that is not a "member state."
- (2) "Compact" means the Interstate Compact on the Transfer of Public Lands.
- (3) "Compact administrator" means the person selected by the compact commission to staff the compact commission and whose duties, powers, and tenure are only those approved by the commission.
- (4) "Compact commission" means the entity composed of member state representatives and who will administer the compact.
- (5) "Compact notice recipient" means the archivist of the United States, the president of the United States, the office of the secretary of the United States Senate, the majority leader of the United States Senate, the speaker of the United States House of Representatives, the office of the clerk of the United States House of Representatives, the chief executive of each state, and the presiding officer of each chamber of the Legislature of each state.
- (6) "Member state" means any of the following states that are a signatory to the compact and that have adopted it under the laws of that state: Alaska; Arizona; California; Colorado; Idaho; Montana; Nevada; New Mexico; Oregon; Utah; Washington; and Wyoming.



Sec. 2. Purpose of the compact and commission.

The purpose of the compact and commission is to study, collect data, and develop political and legal mechanisms for securing the transfer to the respective member states of certain specially identified federally controlled public lands within the respective member state boundaries.

Sec. 3. Compact commission and compact administrator.

(1) The compact commission is hereby established and has the powers and duties as follows:

- (a) elect, by majority vote, a chair and cochair from among the compact's members, who shall serve a term of office of two years and may serve no more than two terms as chair or cochair;
- (b) appoint a compact administrator who shall report to the chair and cochair;
- (c) request and disburse funds for the operation of the compact commission;
- (d) allow the compact commission to seek staff and research assistance from nonprofit organizations;
- (e) adopt parliamentary procedures and publish bylaws consistent with member states;
- (f) receive, evaluate, and respond to input from compact commission members regarding actions taken by the federal government that interfere with the:
  - (i) powers reserved to the state;
  - (ii) regulation of real property, including land titles, uses, and transfers;
  - (iii) regulation of agriculture and nonagricultural businesses that do not engage in interstate commerce; and
  - (iv) jurisdiction for the health, safety, and welfare of a state's residents;
- (g) keep and publish minutes of compact commission meetings and records of the compact administrator both of which shall be considered public records and available upon request by the public; and
- (h) prepare an annual report of the compact commission's activities for member and associate member states.

(2) The compact administrator shall staff the compact commission, perform duties, and exercise powers as granted by the commission, or as directed by the chair or cochair.

(3) A majority of the member state representatives present at a compact commission meeting constitutes a quorum and an action of the quorum constitutes an action of the compact commission. Each member state shall have one official representative who shall have one vote.

(4) The compact commission may not take any action within a member or associate member state that contravenes any state law of that member or associate member state.

Sec. 4. Compact membership and withdrawal.

(1) Each member and associate member state agrees to perform and comply in accordance with the terms of membership of this compact consistent with the constitution and laws of the member or associate member state. Actions by members of the compact, for the purpose for which it was created, are based upon the mutual participation, reliance, and reciprocal performance in agreeing to enact this compact into law.

(2) A state enacting this compact into law shall appoint one official representative to the compact commission and shall provide to the compact commission a letter of that representative's appointment. A copy of the letter of appointment with a government-issued photo identity card shall constitute proof of membership on the compact commission.

(3) For voting purposes, only a member state representative may vote and each member state may have only one vote.

(4) A member or associate member state may withdraw from this compact by enacting legislation and giving notice of the enacted withdrawal legislation to the compact administrator. No such withdrawal shall take effect until six months following the enactment of withdrawal legislation

and a withdrawing state is liable for any obligations that it may have incurred prior to the date upon which its withdrawal legislation becomes effective.

Sec. 5. Adoption of compact.

Upon a state adopting the compact and notifying the compact administrator, the administrator shall notify all other member states of the adoption by sending an updated certified copy of the compact with the new adoptee state listed.

Sec. 6. Commission meetings.

(1) The initial meeting of the compact commission shall be within 90 days after the compact is enacted by two or more states. The official representatives of the enacting states shall determine the date, time, and location of the initial meeting and publish that information in their respective states in a manner consistent with the laws of those states for posting notifications and agendas of public meetings. At the initial meeting, those official representatives shall, as provided in Sec. 4, elect a chair and cochair, and appoint a compact administrator. The compact administrator shall, as directed by the compact commission chairs and as provided in the compact, organize the compact commission's activities.

(2) Following the compact commission's initial meeting, the compact commission shall meet at least one time per year. No meeting shall continue longer than three consecutive days.

(3) Special meetings may be called if half or more of the member states notify the chair of the compact commission in writing of the request for a meeting. Attendance at the meeting may be in person or by electronic means. No meeting shall continue longer than three consecutive days.

(4) Meetings shall be recorded, and the recording and minutes of the meeting shall be made available to the public within 30 days after the meeting. Meetings closed to the public are not permitted except where provided by law in the state in which the meeting is held.

Sec. 7. Funding.

The activities of the compact commission and compact administrator shall be funded exclusively by each member and associate member state, as permitted by the laws of those states, or by voluntary donations. Records shall be kept of all funding and disbursements, and that information shall be available within 30 days upon request by a compact commission member, or by a member state or associate member state.

Sec. 8. Cooperation.

The compact commission, member states, associate member states, and the compact administrator shall cooperate and offer mutual assistance with each other in enforcing the terms of the compact for securing the transfer of title to federally controlled public lands to willing western states.

Sec. 9. Declaration of Interstate Compact on the Transfer of Public Lands goals.

(1) Member states, in order to restore, protect, and promote state sovereignty and the health, safety, and welfare of their citizens, shall:

(a) develop and draft model uniform legislation for member states to adopt in securing sovereignty and jurisdiction over federal lands within the respective member state boundaries;

(b) develop and draft model uniform legislation for member states to send to their federal delegation for introduction in Congress for the transfer of federally controlled public lands to the respective member state governments; and

(c) develop legal strategies for securing state sovereignty and jurisdiction over federally controlled public lands within member state boundaries.

(2) The compact goals in Subsection (1) take effect when:

(a) two states have become member states and adopted the terms in legislation; and

(b) Congress votes to consent to the terms of this compact under United States Constitution Article I, Section 10.

Enacted by Chapter 324, 2014 General Session

## **Chapter 7**

### **Utah Wilderness Act**

#### **63L-7-101 Title.**

This chapter is known as the "Utah Wilderness Act."

Enacted by Chapter 323, 2014 General Session

#### **63L-7-102 Purpose.**

- (1) The purpose of this chapter is to:
  - (a) secure for the people of Utah, present and future generations, as well as for visitors to Utah, the benefits of an enduring resource of wilderness on designated state-owned lands;
  - (b) provide a window into the natural world, into which our pioneer forebears ventured and formed our collective story and character;
  - (c) recognize that the preservation of wilderness shall be part of a balanced pattern of multiple land uses;
  - (d) demonstrate the proper stewardship of certain primitive lands by providing the protection to allow natural forces to operate; and
  - (e) create a Utah wilderness preservation system.
- (2) No state-owned lands may be designated as a protected wilderness area except as provided in this chapter.
- (3) This chapter does not apply to lands owned or acquired by the School and Institutional Trust Lands Administration.

Enacted by Chapter 323, 2014 General Session

#### **63L-7-103 Definitions.**

As used in this chapter:

- (1) "Acquisition date" means the day on which the state received title to land.
- (2) "Conservation area" means an area that potentially has wilderness characteristics.
- (3) "DNR" means the Department of Natural Resources.
- (4) "PLPCO" means the Public Lands Policy Coordination Office.
- (5) "Protected wilderness area" means an area of wilderness that has been designated under this chapter as part of the Utah wilderness preservation system.
- (6) "Road" means a road classified as either a class B road, as described in Section 72-3-103, or a class D road, as described in Section 72-3-105.
- (7) "Roadless area" means an area without a road, as defined in Subsection (6).
- (8) "Wilderness" means a roadless area of undeveloped state-owned land, other than land owned by the School and Institutional Trust Lands Administration, that:
  - (a) is acquired by the state from the federal government through purchase, exchange, grant, or any other means of conveyance of title after May 13, 2014;
  - (b) retains its primeval character and influence, without permanent improvements or human habitation;

- (c) generally appears to have been affected primarily by the forces of nature, with minimal human impact;
- (d) has at least 5,000 contiguous acres of land, or is of sufficient size as to make practicable its preservation and use in an unimpaired condition;
- (e) has outstanding opportunities for solitude, or a primitive and unconfined type of recreation; and
- (f) may contain ecological, geological, or other features of scientific, educational, scenic, or historical value.

Enacted by Chapter 323, 2014 General Session

**63L-7-104 Identification of a potential wilderness area.**

- (1)
  - (a) Subject to Subsection (1)(b), the director of PLPCO, within one year of the acquisition date, shall identify within a parcel of acquired land any conservation areas.
  - (b) Before identifying a parcel of land as a conservation area, the director of PLPCO shall:
    - (i) inform the School and Institutional Trust Lands Administration that a parcel is being considered for designation as a conservation area; and
    - (ii) provide the School and Institutional Trust Lands Administration with the opportunity to trade out land owned by the School and Institutional Trust Lands Administration for the parcel in question subject to reaching an exchange agreement with the agency that manages the parcel.
- (2) The director of PLPCO shall:
  - (a) file a map and legal description of each identified conservation area with the governor, the Senate, and the House of Representatives;
  - (b) maintain, and make available to the public, records pertaining to identified conservation areas, including:
    - (i) maps;
    - (ii) legal descriptions;
    - (iii) copies of proposed regulations governing the conservation area; and
    - (iv) copies of public notices of, and reports submitted to the Legislature, regarding pending additions, eliminations, or modifications to a conservation area; and
  - (c) within five years of the date of acquisition:
    - (i) review each identified conservation area for its suitability to be classified as a protected wilderness area; and
    - (ii) report the findings under Subsection (2)(c)(i) to the governor.
- (3) The records described in Subsection (2)(b) shall be available for inspection at:
  - (a) the PLPCO office;
  - (b) the main office of DNR;
  - (c) a regional office of the Division of Forestry, Fire, and State Lands for any record that deals with an identified conservation area in that region; and
  - (d) the Division of Parks and Recreation.
- (4) A conservation area may be designated as a protected wilderness area as described in Section 63L-7-105.
- (5) A conservation area identified under Subsection (1) shall be managed by DNR, in coordination with the county government having jurisdiction over the area, without the conservation area being designated as a protected wilderness area unless otherwise provided by the Legislature.

Enacted by Chapter 323, 2014 General Session

**63L-7-105 Report to the governor -- Governor's report to the Legislature -- Designation of a protected wilderness area -- Modification of a protected wilderness area -- Rulemaking authority.**

- (1) Within five years of the acquisition date of a parcel of land, the director of PLPCO shall:
  - (a) review all areas identified as conservation areas under Section 63L-7-104; and
  - (b) subject to Subsection (3), submit a report and recommendation to the governor on the suitability of a conservation area for designation as a protected wilderness area.
- (2) Before making a recommendation, the director of PLPCO shall:
  - (a) give notice of the proposed recommendation in a newspaper having general circulation in the vicinity of the affected land;
  - (b) hold a public hearing at a location convenient to citizens who live in the affected area; and
  - (c) at least 30 days before the date of the hearing described in Subsection (2)(b), invite local authorities to submit their opinions on the proposed action:
    - (i) at the hearing; or
    - (ii) to the director of PLPCO, in writing, no later than 30 days after the day on which the hearing is held.
- (3) Any opinions submitted to the director of PLPCO shall be included with any recommendations to the governor under Subsection (2) and the Legislature under Subsection (5).
- (4) The governor shall, after receiving the reports described in Subsection (1)(b):
  - (a) formulate a recommendation on which conservation areas to designate as protected wilderness areas; and
  - (b) advise the speaker of the House of Representatives and the president of the Senate of the governor's recommendation.
- (5) An area shall be designated as a protected wilderness area upon a concurrent resolution of the Legislature, the governor concurring therein, including:
  - (a) the legal description of the proposed protected wilderness area; and
  - (b) any special conditions that shall be placed upon the protected wilderness area.
- (6) Any modification or adjustment to the boundaries of a protected wilderness area shall be:
  - (a) recommended by the director of PLPCO after public notice of, and hearing on, the proposal, as described in Subsections (1) and (2); and
  - (b) made official as described in Subsections (4) and (5).
- (7) DNR shall make rules governing the protection of a protected wilderness area.

Enacted by Chapter 323, 2014 General Session

**63L-7-106 Use of protected wilderness areas.**

- (1) Except as otherwise provided in this chapter, each agency administering any area designated as a protected wilderness area shall be responsible for preserving the wilderness character of the area and shall administer such area for the purposes for which it may have been established to preserve its wilderness character.
- (2) Except as specifically provided in this chapter, and subject to valid existing rights, there shall be:
  - (a) no commercial enterprise and no permanent road within any protected wilderness area designated by this chapter; and
  - (b) no temporary road, no use of motor vehicles, motorized equipment or motorboats, no landing of aircraft, no other form of mechanical transport, and no structure or installation with any

such area except as necessary to meet minimum requirements for the administration of the area for the purpose of this chapter, including measures required in emergencies involving the health and safety of persons within the area.

- (3) Except as otherwise provided in this chapter, a protected wilderness area shall be devoted to the public purposes of:
  - (a) recreation, including hunting, trapping, and fishing;
  - (b) conservation; and
  - (c) scenic, scientific, educational, and historical use.
- (4) Commercial services may be performed within a protected wilderness area to the extent necessary to support the activities described in Subsection (3).
- (5) Within an area designated as a protected wilderness area by this chapter:
  - (a) subject to the rules established by DNR, the use of a motor vehicle, aircraft, or motorboat is authorized where:
    - (i) the use of a motor vehicle, aircraft, or motorboat is already established;
    - (ii) the motor vehicle, aircraft, or motorboat is used by the Division of Wildlife Resources in furtherance of its wildlife management responsibilities, as described in Title 23, Wildlife Resources Code of Utah; or
    - (iii) the use of a motor vehicle, aircraft, or motorboat is necessary for emergency services or law enforcement purposes; and
  - (b) measures may be taken, under the direction of the director of the Division of Forestry, Fire, and State Lands, as necessary to manage fire, insects, habitat, and diseases.
- (6) Nothing in this chapter shall prevent, within a designated protected wilderness area, any activity, including prospecting, if the activity is conducted in a manner compatible with the preservation of the wilderness environment, subject to such conditions as the executive director of DNR considers desirable.
- (7) The executive director of DNR shall develop and conduct surveys of wilderness areas:
  - (a) on a planned, recurring basis;
  - (b) in a manner consistent with wildlife management and preservation principles;
  - (c) in order to determine the mineral values, if any, that may be present in wilderness areas; and
  - (d) make a completed survey available to the public, the governor, and the Legislature.
- (8) Notwithstanding any other provision of this chapter, until midnight December 31, 2034:
  - (a) state laws pertaining to mining and mineral leasing shall, to the extent applicable before May 13, 2014, extend to wilderness areas designated under this chapter, subject to reasonable regulation governing ingress and egress as may be prescribed by the executive director of DNR, consistent with the use of the land for:
    - (i) mineral location and development;
    - (ii) exploration, drilling, and production; and
    - (iii) use of land for transmission lines, waterlines, telephone lines, or facilities necessary in exploring, drilling, producing, mining, and processing operations, including the use of mechanized ground or air equipment when necessary, if restoration of the disturbed land is practicable and performed as soon as the land has served its purpose; and
  - (b) mining locations lying within the boundaries of a protected wilderness area that existed as of the date of acquisition shall be held and used solely for mining or processing operations, and uses that are reasonably related to an underlying mining or processing operation.
- (9) Any newly issued mineral lease, permit, or license for land within a wilderness area shall contain stipulations, as may be determined by the executive director of DNR in consultation with the director of the Division of Oil, Gas, and Mining, for the protection of the wilderness

character of the land, consistent with the use of the land for the purpose for which it is leased, permitted, or licensed.

- (10) Subject to valid rights then existing, effective January 1, 2015, the minerals in all lands designated by this chapter as wilderness areas are withdrawn from disposition under all laws pertaining to mineral leasing.
- (11) Mineral leases shall not be permitted within protected wilderness areas.
- (12) The governor may, within protected wilderness areas, authorize:
  - (a) prospecting for water resources;
  - (b) the establishment and maintenance of reservoirs, water-conservation works, power projects, transmission lines, and other facilities needed in developing water resources, including road construction and essential maintenance; and
  - (c) subject to Subsection (13), the grazing of livestock, if the practice of grazing livestock was established as of the effective date of this chapter.
- (13) The commissioner of the Department of Agriculture and Food may make regulations as necessary to govern the grazing of livestock on a protected wilderness area.

Enacted by Chapter 323, 2014 General Session

**63L-7-107 Private lands within wilderness areas.**

- (1) In any case where privately owned land is completely surrounded by lands within areas designated by this chapter as protected wilderness:
  - (a) the private landowner shall be given rights as may be necessary to ensure adequate access to the privately owned land by the private owner and any successors in interest; or
  - (b) the privately owned land shall be exchanged for state-owned land of approximately equal value.
- (2) If the School Institutional Trust Lands Administration owns land that is completely surrounded by lands within areas designated by this chapter as protected wilderness:
  - (a) the School Institutional Trust Lands Administration shall be given rights as may be necessary to ensure adequate access to the land owned by the School Institutional Trust Lands Administration and any successors in interest; or
  - (b) the land owned by the School Institutional Trust Lands Administration may be exchanged for state-owned land of approximately equal value.
- (3) If a valid mining claim or other valid occupancy is located wholly within a protected wilderness area, the executive director of DNR shall, by reasonable regulations consistent with the preservation of the area as wilderness, permit ingress and egress to such surrounded areas by means which have been, or are being, customarily enjoyed with respect to other similarly situated areas.
- (4) Subject to available funds, PLPCO is authorized to acquire land, or interest in land, through purchase from a private landowner.

Enacted by Chapter 323, 2014 General Session

**63L-7-108 Gifts, bequests, and contributions.**

- (1) The executive director of DNR may accept gifts or bequests of land:
  - (a) within protected wilderness areas designated pursuant to this chapter for preservation as wilderness; and
  - (b) adjacent to designated protected wilderness areas, if the executive director of DNR gives 60 days advance notice to the governor.

- (2) Land accepted by the executive director of DNR under this section:
  - (a) shall become part of the protected wilderness area involved; and
  - (b) is subject to:
    - (i) the same regulations made under this chapter; and
    - (ii) any conditions that were made at the time the gift or bequest was made that are consistent with the regulations made under this chapter.

Enacted by Chapter 323, 2014 General Session

**63L-7-109 Annual reports.**

- (1) The director of PLPCO shall report to the governor, for transmission to the Legislature, on:
  - (a) the status of the Utah wilderness preservation system;
  - (b) regulations in effect; and
  - (c) other pertinent information.
- (2) The director of PLPCO shall report any recommendations for future action to the Natural Resources, Agriculture, and Environment Interim Committee by November 30 of each year.

Enacted by Chapter 323, 2014 General Session